

ENVIRONMENTAL ACTION STATEMENT SCREENING FORM FOR SAFE HARBOR AGREEMENTS (SHA)

I. Project Information

A. Project name: West Gary Recovery Unit Safe Harbor Agreement

B. Affected species: Karner blue butterfly (*Lycaeides melissa samuelis* Nabokov)

C. Project size (in acres): Up to approximately 650 acres

D. Brief project description including conservation elements of the plan: The purpose of this West Gary Recovery Unit Safe Harbor Agreement (SHA) is to create a tool that will allow TNC and the Service to address the regional needs of Karner blue butterfly (KBB) by working with individual landowners to develop site specific restoration and management plans for a variety of properties. These plans will be designed to maximize KBB habitat within the constraints of the site's landscape setting and current land use and management needs. In addition, they will document baseline conditions, monitoring protocols, timeframes, and the legal and regulatory responsibilities of the participants. In sum, the SHA will serve as a framework for coordinating KBB conservation work in the West Gary Recovery Unit. Management activities could include: a) Mechanical removal of trees and shrubs, with follow-up herbicide application, is an effective means to restore open canopy structure to fire suppressed oak savanna; b) Mowing used as an effective method of suppressing the growth of woody species in the understory; c) the use of prescribed fire to restore oak savanna on which KBB depend; d) supplementing lupine populations to create appropriate habitat for KBB; e) supplementing populations of nectar plants at some particularly degraded sites; and f) reintroduction of KBB at some core areas.

II. Does the SHA fit the criteria as described in the SHA policy (meet the standard of “net conservation benefit” and contribute to recovery) ? *Each response should include an explanation.*

A. Are the effects of the SHA less than significant on the rangewide population of federally listed, proposed, or candidate species or other wildlife and their habitats covered under the SHA? Yes. The KBB historically occurred formerly occurred in a band extending across 12 states from Minnesota to Maine and in the province of Ontario, Canada. The current range includes the seven states of Minnesota, Wisconsin, Indiana, Michigan, New York, New Hampshire, and Ohio. The greatest number of KBBs and butterfly sites occur in Michigan and Wisconsin. The *Karner Blue Butterfly Recovery Plan* identifies areas that offer the best opportunities to establish and maintain viable populations of KBB throughout its current range. A series of natural area fragments in Gary, Hammond and East Chicago, Indiana, called *The West Gary Recovery Unit*, is identified as potentially supporting a viable metapopulation. Despite some recent restoration success, however, KBB continue to persist only in small numbers at limited habitat patches within only three relatively isolated natural areas – most of

the potential SHA sites are unoccupied and the majority do not currently provide suitable habitat. The West Gary Recovery Unit forms a potentially important but currently small component of the overall distribution of KBBs.

B. Are the effects of the SHA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.)? Yes. The proposed footprint of the project would affect up to a maximum of approximately 650 acres (if virtually all of the potentially suitable habitat was ultimately included in the SHA). An urban/industrial landscape surrounds the potentially affected sites (SHA appendix), which comprise small remnant patches of vegetation. The proposed project would likely result in improvement of these remnant patches, but the overall impact on the general area, including: air quality, geology, soils, water quality and quantity, socio-economic resources, cultural resources, recreation, and visual resources would be negligible.

C. Would the impacts of this SHA, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant? *The same concept is also included in the exception to categorical exclusions, III. F. below.* Yes. While other efforts at environmental restoration, (e.g., NRDA restoration, Shirley Heinze Land Trust acquisition and restoration) continue within the general proposed project area, the urban/industrial landscape within which the projects occur would prevent even cumulative effects to environmental values or resources from significantly modifying the existing environment.

III. Do any of the exceptions to categorical exclusions apply to this SHA? (from 516 DM 2.3, Appendix 2) *If the answer is “yes” to any of the questions below, the project can not be categorically excluded from NEPA. Each “no” response should include an explanation.*

Would implementation of the SHA:

A. Have significant adverse effects on public health or safety? No. The proposed project would involve voluntary agreements with private landowners that would permit implementation of standard habitat restoration techniques by qualified and experienced personnel familiar with the area. The proposed SHA would not facilitate increased public use and no significant off-site effects are anticipated from the restoration.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks? No. No unique geographic characteristics such as historic or cultural resources, park, refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, or prime farmlands are present on the properties. The natural features remaining within the urban/industrial landscape, including a county park (Gibson Woods), wetlands, oak savanna, and floodplains remain important. Most, however, have been

heavily impacted by the surrounding development. The proposed project would have a positive effect on those potential sites supporting wetlands, within floodplains, or currently managed as county parks or state dedicated nature preserves.

C. Have highly controversial environmental effects? No. The proposed project should have a positive effect on the environment by improving the habitat for the KBB within an otherwise heavily developed and highly fragmented landscape. Habitat restoration would only occur on properties of landowners who voluntarily enrolled and the end results of restoration are non-controversial in nature.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? No. The restoration techniques that would be employed as part of the proposed SHA have been used successfully by the Service, states, NGOs, and others in numerous settings, including the proposed project area, over many years.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. Safe Harbor Agreements have become an important and well accepted tool within the Service. Any potential future action under this SHA would involve habitat restoration on isolated properties. These actions consist primarily of controlling invasive species and planting of native species and do not have significant environmental effects.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects? No. While other restoration work will continue to occur within the proposed project area, the urban/industrial landscape and the paucity of extant natural vegetation limit the potential impact of these efforts.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No. No properties eligible for listing on the National Register of Historic Places occur within potential SHA sites.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species? *In making this determination, actions undertaken by the applicant to avoid "take" are not considered mitigation.* No. By definition the SHA must have a net benefit for the species. The proposed SHA would help realize the potential of the West Gary Recovery Unit to function as a viable metapopulation of KBB. No other federally endangered species or critical habitat would be affected.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act? No. The proposed project would focus primarily on upland restoration, although some beneficial vegetation management of wetlands could occur as a component of the proposed SHA. It would not adversely affect wetlands or floodplains.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed

for the protection of the environment? No. The proposed project would be conducted in strict accordance local, state, and federal environmental laws and regulations. No tribal lands exist within the proposed project area.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the West Gary Recovery Unit Safe Harbor Agreement Project meets the qualifications for Safe Harbor Agreement whose implementation represents a class of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents (list): West Gary Recovery Unit Safe Harbor Agreement (and appendices)

Concurrence:

(1) Field Supervisor

Date

(2) ARD - Ecological Services

Date